

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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|-----------------------|---|--------------------------|
| RON PAUL HORNER, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 1:23-CV-203-TAV-SKL |
| |) | |
| KEVIN TURNER and |) | |
| OFFICER BRYANT, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

Plaintiff, an inmate of the Madison County Jail in Birmingham, Alabama, has filed a pro se complaint for violation of 42 U.S.C. § 1983 arising out of an alleged act of excessive force during his Madison County Jail¹ incarceration [Doc. 2] and a motion for leave to proceed *in forma pauperis* [Doc. 1]. For the reasons set forth below, the Court will transfer this action to the Northeastern Division of the United States District Court for the Northern District of Alabama.

The general venue statute for federal district courts provides that:

A civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

¹ Defendant Kevin Turner is the Sheriff of Madison County. <https://www.madisoncountysheriffal.org/administration>.

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b)(1)–(3). As set forth above, Plaintiff's complaint arises out of incidents during his incarceration in the Madison County Jail in Birmingham, Alabama [Doc. 1, pp. 3–4]. And Madison County, Alabama lies within the Northeastern Division of the United States District Court for the Northern District of Alabama. 28 U.S.C. § 81(a)(2). As such, it is apparent that this Court is not the proper venue for this action, and the Northeastern Division of the United States District Court for the Northern District of Alabama is the proper venue. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to that Court, and to **CLOSE** this Court's file.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE